

REMARKS

Applicant appreciates the examiner's careful review of the instant application, and responds herein to each comment in the outstanding Office Action. As the undersigned attorney noted in a telephone conversation with the examiner, at least some of the examiner's requested specification amendments appear to be stylistic, rather than substantive. Thus, in some instances, Applicant did not make the changes requested by the examiner. However, Applicant considered each comment offered by the examiner, and declined making a suggested change only where appropriate.

In the below "Specification" section, Applicant discusses those changes made by amendment above, and explains its reasons for declining selected ones of the suggested changes. Applicant also submits claim amendments and corrected drawings herewith, and explains such changes in the corresponding sections below.

More importantly, Applicant submits herewith a corrected Information Disclosure Statement (Form 1449), which includes the identical list of references submitted by Applicant with the application-as-filed. (The examiner did not consider the references because the month-of-issue was omitted from the patent dates listed on the original IDS.) Applicant notes that the examiner has indicated that he will consider all listed references, even though the Office Action indicates that all claims are allowed. If that understanding is in error, the undersigned attorney respectfully requests that the examiner call him.

With the above comments in mind, Applicant provides more details in the below sections regarding the amendments made herein.

Specification

The examiner requested that Applicant always use the full term “image forming apparatus 10” in the specification, rather than the abbreviated form “apparatus 10”. Although the consistent use of reference number 10 prevented any ambiguities, Applicant has complied with the examiner’s request.

The examiner requested that Applicant make changes to the specification, such that the full term “waste toner container 28” appeared throughout, rather than the abbreviated term “container 28.” Applicant does not make this change, but did carefully check to insure that the correct reference number was used throughout, and therefore is confident that no ambiguity exists. Absent any ambiguity, making the requested change involves too many paragraphs, provides no meaningful benefit, and simply invites the introduction of clerical or typographical errors.

The examiner requested similar changes for the terms “rake 20” (versus “toner rake 20”), “drive apparatus 30” (versus “first drive apparatus 30”), “drive apparatus 36” (versus “second drive apparatus 36”), “gear 72” (versus “first gear 72”), “gear 74” (versus “second gear 74”), “gear” (versus “drive gear”), “pinion” (versus “drive pinion”). In short, at multiple places in the specification, Applicant chose to use a previously introduced noun, minus any adjectives, in combination with the noun’s proper reference number. This practice is commonplace in application drafting, introduces no ambiguities, and stands as a matter of style. Respectfully, Applicant declines to make the many changes indicated by the examiner, because all noun occurrences identified in the specification by the examiner as objectionable include the proper reference numbers, and are unambiguous.

The examiner also requested Applicant to change the term “etc.” to the examiner’s preferred term “and the like.” As Applicant’s use of the term “etc.” is appropriate, and the examiner’s suggested changes appear wholly stylistic, Applicant declines to make any such changes.

Changes to line, 3, paragraph [0003]: done.

Changes to paragraph 22 were not made, as the examiner’s suggestions appear to be stylistic.

Changes to paragraph 38 were not made, as the term “toner inlet area” is the correct term, rather than the term “inlet 60” as suggested by the examiner.

Drawings

The examiner requested corrections in Figs. 2 and 3, and all such corrections are made on the replacement sheets attached herewith, each such sheet being identified in accordance with the requirements of 37 C.F.R. § 1.84(c). Applicant also revised Figs. 4 and 5, to delete the reference number “33,” as that number is not used or needed in the specification. Applicant similarly revised Fig. 7, to remove the reference number “82,” as that number is not used or needed in the specification.

Title of the Invention

The Office Action states that the title is not descriptive, and that a new title clearly descriptive of the claimed invention is required. According to MPEP § 606.01, the examiner may require a change in title where “the title is not descriptive of the invention claimed.” The title of the instant application is “A Method and Apparatus to Control Waste Toner Collection in an Image Forming Apparatus,” and its claims are directed to controlling waste toner collection in image forming apparatus. Thus, Applicant believes

that the current title squares with the claimed subject matter, and that a title change is unwarranted.

Claims

All changes requested by the examiner are made herein. Applicant notes that all such changes were matters of formality (e.g., adding "and" before the next-to-last claim element, and replacing a ";" with a ".") and that no narrowing amendments were made.

Closing

Applicant appreciates the examiner's indication that all claims are allowable, and notes that it has attempted to fully comply with the examiner's changes, except where noted above. In the interest of expediting allowance of the instant application, the undersigned attorney request that the examiner please call if any matters noted in the outstanding Office Action are not resolved to the examiner's satisfaction by this response. Otherwise, Applicant looks forward to the examiner's next correspondence.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

Dated: February 12, 2005



Michael D. Murphy
Attorney for Applicants
Registration No.: 44,958

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844